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UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA

: Hon. *Cathy L. Waldor*

:

: Crim. No. 15- *134*

:

v.

: 18 U.S.C. § 371

: 18 U.S.C. § 2

: 16 U.S.C. §§ 1372(a)(1)

DANIEL ARCHIBALD

: and 1375(b)

**INDICTMENT**

The Grand Jury in and for the District of New Jersey, sitting at  
Newark, charges:

**Count One – Conspiracy**  
**(18 U.S.C. § 371)**

1. At all times relevant to this Indictment defendant DANIEL  
ARCHIBALD resided in Cape May, New Jersey, and was a crewmember onboard  
the CAPT BOB, a tuna fishing vessel.

2. From in or about June 2011 to on or before September 24, 2011, in  
Atlantic County, in the District of New Jersey, and elsewhere, defendant

DANIEL ARCHIBALD

did knowingly conspire and agree with a co-conspirator, hereinafter identified as  
“CC1,” and others, to take marine mammals on the high seas, that is, harass,  
hunt, and kill pilot whales, by means of a firearm, contrary to Title 16, United  
States Code, Sections 1372(a)(1) and 1375(b).

Object of the Conspiracy

3. The object of the conspiracy was for defendant ARCHIBALD, CC1, and others to shoot at pilot whales with a firearm.

Manner and Means

4. It was a part of the conspiracy that defendant ARCHIBALD and others, with the permission of CC1, kept multiple firearms onboard the CAPT BOB.

5. It was a part of the conspiracy that defendant ARCHIBALD, CC1, and others used firearms to shoot at pilot whales onboard the CAPT BOB on the high seas, resulting in the serious injury and death of a pilot whale.

Overt Acts

6. In furtherance of this conspiracy and to effect the object thereof, defendant ARCHIBALD, CC1, and others committed, and caused to be committed, the following overt acts, among others, within the District of New Jersey, and elsewhere:

a. CC1, while in charge of the operation of the CAPT BOB, permitted defendant ARCHIBALD to store firearms and ammunition on the CAPT BOB during its operation on the high seas which firearms were used to shoot at pilot whales.

b. CC1 discharged a firearm at pilot whales onboard the CAPT BOB.

c. Defendant ARCHIBALD discharged a firearm at pilot whales onboard the CAPT BOB.

In violation of Title 18, United States Code, Section 371.

**Count Two – Violation of the Marine Mammal Protection Act**  
**(16 U.S.C. §§ 1372(a)(1) and 1375(b) and 18 U.S.C. § 2)**

7. The allegations set forth in Paragraph 1 of this Indictment are realleged and incorporated herein.


8. On or about September 24, 2011, in Atlantic County, in the District of New Jersey, and elsewhere

DANIEL ARCHIBALD

did knowingly take marine mammals on the high seas in that he harassed, hunted, and killed, and attempted to harass, hunt, and kill, pilot whales, by means of a firearm.

In violation of Title 16, United States Code, Sections 1372(a)(1) and 1375(b) and Title 18, United States Code, Section 2.

  
\_\_\_\_\_  
PAUL J. FISHMAN  
United States Attorney

A TRUE BILL  
  
FOREPERSON

CASE NUMBER: 15-134 (CLW)

**United States District Court  
District of New Jersey**

**UNITED STATES OF AMERICA**

**v.**

**DANIEL ARCHIBALD**

**INDICTMENT FOR**

**18 U.S.C. § 371**

**16 U.S.C. §§ 1372(a)(1) and 1375(b)**

**18 U.S.C. § 2**

**PAUL J. FISHMAN**

**UNITED STATES ATTORNEY, NEWARK, NEW JERSEY**

**KATHLEEN P. O'LEARY**

**JUSTIN HERRING**

**ASSISTANT U.S. ATTORNEYS**

**NEWARK, NEW JERSEY**

**973-645-2841**